IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.53 OF 1989

The State of Maharashtra ...Appellant
Vs.
Ramdas Nathubai Shah
(since deceased through his
Legal Representatives) ...Respondents

Shri K. K. Tated, A.G.P. for the Appellant.

CORAM : A. S. OKA, J.
DATE : MARCH 14, 2006.

P.C.:

1. Heard Shri Tated, learned A.G.P. appearing for the Appellant. The challenge in this Appeal is to the Judgment and Award dated 30th November, 1987 passed by the learned Extra-Joint District Judge, Pune in Land Acquisition Reference No.118 of 1975. By the said Award, the claim for enhancement of compensation made by the Respondent Nos.1 and 2 was rejected. However, the reference Court conferred statutory benefit of section 23(2) of the Land Acquisition Act, 1984 on the claimants.

2. Shri Tated submitted that as Award of the Land Acquisition Officer under section 11 of the said Act of 1894 was made on 31st May, 1975 the said benefit could not have been granted.

3. The submission of Shri Tated cannot be

accepted as the reference under section 18 of the said Act of 1894 was pending on the date on which section 23(2) was brought on the statue-book by 1984 amendment to the Land Acquisition Act, 1894. In view of the settled position of law, the claimants were entitled to benefit of solatium under section 23(2) of the said Act of 1984. That is the reason as to why in addition to the 15 per cent solatium which was already granted by the Land Acquisition Officer, the reference Court has allowed additional 15 per cent solatium.

4. There is no merit in the Appeal and the same is dismissed with no orders as to costs.

JUDGE